IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

United States of America,	)	
	)	
Plaintiff,	)	**DETENTION ORDER**
	)	
vs.	)	
	)	Case No. 1:05cr049-01
Francis K. Zacher, a/ka Frank Zacher,	)	
	)	
Defendant.	)	

On November 23, 2005, the defendant was convicted of the following offenses: (1) conspiracy to possess with intent distribute a controlled substance; (2) possession of firearms and ammunition by an unlawful user of a controlled substance; and (3) possession of an unregistered firearm. Thereafter, he was conditionally released on a personal recognizance pending sentencing.[1]

On December 13, 2005, a Petition for Action on Conditions of Pre-sentence Release was filed with the court alleging that the defendant had violated the conditions of his pre-sentence release, that is, he had been charged with another offense while on release and that dangerous weapons had been found in his possession. According to the petition, the defendant was charged with carrying concealed weapons following his arrest by the Burleigh County Sheriff's Department on December 11, 2005, and that ammunition had been found in his car.

On December 14, 2005, the defendant appeared before the court to answer the charges set forth in the petition. AUSA Scott Schneider appeared on the government's behalf. Attorney Ralph Vinje appeared on the defendant's behalf.

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[1]The defendant was released prior to trial on a personal recognizance bond subject to the special conditions imposed by the court. Following his conviction, these conditions of release were continued pending sentencing.

At the outset of the hearing the defendant conceded that the facts set forth in the petition were accurate. Thereafter, citing to 18 U.S.C. § 3143(a)(2) for the proposition that there is a presumption of detention in this case, government requested that the defendant's bond be revoked and that he be detained pending sentencing.

The facts set forth in the petition are not in dispute. Accordingly, for the reasons articulated at the close of the bond review hearing, the court revokes the defendant's bond and **ORDERS** that, pending sentencing, he be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility. The defendant shall be afforded a reasonable opportunity for private consultations with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding. The defendant has requested to expedite his sentencing given his health concerns. The court will take this request under advisement.

IT IS SO ORDERED.

Dated this 14th day of December, 2005.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge